

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Minutes

September 12, 2023

Page 1

Notice was duly published September 1, 2023 on page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held on September 12, 2023 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Chair Dan Watermeier called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Kevin Stocker, Tim Schram, Christian Mirch, Eric Kamler, and Dan Watermeier present in the Commission Hearing Room. Chair Watermeier stated that a copy of the Nebraska Open Meetings Act is posted in the meeting room and invited the public to address the Commission. No public comments were offered. No announcements were made.

Attention was called to the following proceedings:

## **COMMUNICATIONS DEPARTMENT**

**C-5272:** In the Matter of the Nebraska Public Service Commission, on its own motion, to implement the Nebraska Broadband Bridge Act. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order approving extension request for Windstream Nebraska, Inc. Harvard Project until Friday, January 5, 2024, at 5:00 p.m. Central Time. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**C-5272:** In the Matter of the Nebraska Public Service Commission, on its own motion, to implement the Nebraska Broadband Bridge Act. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order of pending disqualification from the challenge processes for Qwest Corporation d/b/a Centurylink QC and United Telephone Company of the West d/b/a Centurylink. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**C-5525:** In the Matter of the Application of Metro Fibernet, LLC, Evansville, Indiana, seeking authority to provide competitive local exchange and interexchange telecommunications services within the State of Nebraska. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter an Order approving Metro Fibernet, LLC for IXC and CLEC authority. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**2023 Annual Report on Telecommunications to the Legislature:** Motion made by Commissioner Eric Kamler, seconded by Commissioner Christian Mirch to approve the 2023 Annual Report on Telecommunications. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**WC Docket 10-90:** Connect America Fund;

**WC Docket 14-58:** ETC Annual Reports and Certifications;

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

Minutes

September 12, 2023

Page 2

**WC Docket 09-197:** Telecommunications Carriers Eligible to Receive USF Support;

**WC Docket 16-271:** Connect America Fund-Alaska Plan; and

**RM-11868:** Expanding Broadband Service Through the A-CAM Program.

Cullen Robbins seeks Commission approval to file comments in response to the FCC's Notice of Proposed Rulemaking.

**CallShaper, LLC:** Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler Cullen Robbins seeks Commission approval to amend NUSF remittance Complaint, currently open as Docket NUSF-37.427. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

Report on telecommunications Complaints and Outages received by the Communications Department during the preceding month. Cullen Robbins informs the Commission of the Complaints and Outages received for August, 2023.

## **STATE 911 DEPARTMENT**

**911-018/PI-117:** In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to establish audit requirements related to the Enhanced Wireless 911 Fund. Motion made by Commissioner Eric Kamler, seconded by Commissioner Tim Schram to enter an Order approving or denying audit waiver requests. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**911-075/PI-248:** In the Matter of the Nebraska Public Service Commission, on its own motion, conducting an investigation into the 911 service outage that began on August 31, 2023 in areas of Nebraska served by Lumen and its affiliates. Motion made by Commissioner Christian Mirch, seconded by Commissioner Tim Schram to enter an Order opening investigation. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**911-076/PI-249:** In the Matter of the Nebraska Public Service Commission, on its own motion, conducting an investigation into the 911 service outage that began on September 2, 2023 in areas of Nebraska served by Windstream and its affiliates. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order opening investigation. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

## **NATURAL GAS DEPARTMENT**

**NG-112.3:** In the Matter of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, seeking approval of a 2024 Systems Safety and Integrity Rider. to enter assessment orders BA-26 and BA-27; and

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

Minutes

September 12, 2023

Page 3

**NG-119:** In the Matter of the Commission, to conduct a review of gas supply cost adjustment schedules implemented by Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, Rapid City, South Dakota, pursuant to Neb. Rev. Stat. § 66-1854. Motion made by Commissioner Tim Schram, seconded by Commissioner Kevin Stocker to enter assessment orders BA-7 and BA-8. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**E-2519:** In the Matter of the Application of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission line in Red Willow County. Motion made by Commissioner Eric Kamler, seconded by Commissioner Kevin Stocker to enter a Nunc pro Tunc order. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

## TRANSPORTATION DEPARTMENT

**B-1999.01:** In the Matter of the Application of Mike's Capital Cab, LLC, Lincoln, seeking suspension of its Certificate of Public Convenience and Necessity issued in Docket No. B-1999 until July 1, 2023. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order Dismissing Suspension and Reinstating Certificate B-1999. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker and Dan Watermeier voting AYE.

**B-2070:** In the Matter of the Application of Deens T.H.D. Enterprise, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class service by van between points in Douglas, Sarpy, and Lancaster counties, and between said counties over irregular routes. HHS Designation: Yes. Motion made by Commissioner Eric Kamler, seconded by Commissioner Christian Mirch to enter an Order Granting Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**B-2080:** In the Matter of the Application of K Town Bussin, Kearney, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in Special Party Service by bus between all points in Nebraska over irregular routes. HHS Designation: No. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order Granting Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**B-2081:** In the Matter of the Application of Rollin' Transportation, LLC, Clearwater, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in Special Party Service by bus between all points in Nebraska over irregular routes. HHS Designation: No. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Eric Kamler to enter an Order

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

Minutes

September 12, 2023

Page 4

Granting Application. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**B-1969.03r:** In the Matter of the Application of WHC NE, LLC, d/b/a Airport Transportation d/b/a My Sedan and zTrip, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. to enter an Order Granting Rates and Issuing Guidance;

**B-1970.03r:** In the Matter of the Application of WHC NE, LLC, d/b/a zTrip and Cornhusker Cab Company, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. to enter an Order Granting Rates and Issuing Guidance;

**B-1971.03r:** In the Matter of the Application of WHC NE, LLC, d/b/a zTrip and Happy Cab, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. to enter an Order Granting Rates and Issuing Guidance;

**B-1972.03r:** In the Matter of the Application of WHC NE, LLC, d/b/a zTrip and Checker Cab Company, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. to enter an Order Granting Rates and Issuing Guidance;

**B-1973.03r:** In the Matter of the Application of WHC NE, LLC, d/b/a zTrip and Yellow Cab Company, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. to enter an Order Granting Rates and Issuing Guidance; and

**B-1974.03r:** In the Matter of the Application of WHC NE, LLC, d/b/a zTrip and Safeway Cabs, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order Granting Rates and Issuing Guidance. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

## GRAIN DEPARTMENT

**GD-3058:** In the Matter of the Application of Global Harvest Foods, LLC, Tukwila, Washington, seeking approval of Grain Dealer License. Motion made by Commissioner Kevin Stocker, seconded by Commissioner Tim Schram to enter an Order granting Grain Dealer License. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

**GD-3075:** In the Matter of the Application of Bay State Milling Company, Quincy, Massachusetts, seeking approval of Grain Dealer License. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler to enter an Order granting Grain Dealer License. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

---

Minutes

September 12, 2023

Page 5

## GENERAL ADMINISTRATION

Executive Director's recommendation to approve minutes for July 2023. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

Executive Director's recommendation to terminate an employee. Motion made by Commissioner Tim Schram, seconded by Commissioner Eric Kamler. Motion passed with Commissioners Eric Kamler, Christian Mirch, Tim Schram, Kevin Stocker, and Dan Watermeier voting AYE.

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The meeting adjourned at 10:24 a.m. with Commissioners Kevin Stocker, Tim Schram, Christian Mirch, and Dan Watermeier present, and Commissioner Eric Kamler absent. The next regularly scheduled meeting will be held on September 19, 2023 at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on September 18, 2023.



Chair



Executive Director